

Nixon Action Is Delayed By Jaworski

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Watergate Special Prosecutor Leon Jaworski is still undecided about whether to press criminal cover-up charges against former President Nixon, and will observe a cooling-off period of at least several weeks before making a ruling on that question, his aides said yesterday.

Amid an increasing amount of published speculation that a federal grand jury here is urging Jaworski to approve an indictment of Mr. Nixon and that the special prosecutor has already made a decision to that effect, aides pictured the situation as far from being resolved.

"He has had no contact with the grand jury—period—on any matter," said John Barker, a spokesman for Jaworski, in response to questions. He was speaking of the time since Mr. Nixon's resignation announcement on Thursday.

Baker specifically denied as "just simply wrong" reports that members of the grand jury, which on March 1 named Mr. Nixon as an unindicted co-conspirator, had contacted Jaworski to say they wanted to hand down an indictment against the former President.

That grand jury, which began hearing Watergate ev-

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idence immediately after the June 17, 1972, break-in at Democratic National Committee headquarters, indicted five former White House and Nixon re-election aides, including former Attorney General John N. Mitchell and former presidential advisers H. R. (Bob) Haldeman and John D. Ehrlichman. They are scheduled to go on trial Sept. 9.

"There has been no decision, and no decision is imminent. He is not going to make a hasty decision on a prosecutorial question like this one," Barker said.

Barker also labeled as "wrong speculation" reports that Jaworski, having studied new evidence contained in subpoenaed tapes recently received from U.S. District Court Judge John J. Sirica, had asked President Ford not to pardon Mr. Nixon.

"Most of these tapes haven't even been transcribed yet," Barker said.

White House press secretary Jerald F. TerHorst, when asked whether Mr. Ford was considering granting a pardon to Mr. Nixon, said, "The President is not keeping that question on the top of his priorities."

Mr. Ford, TerHorst said, feels he should move ahead on positive issues and not "dwell on problems of the past."

"He won't go over and re-plow the ground of recent months," TerHorst said.

Sirica has said he has finished listening to 27 of the tape-recorded presidential conversations, 10 of which he has forwarded to the special prosecutor. The 10 conversations include five tape recordings in which there was no dispute by the White House over executive privilege.

Yesterday, Sirica issued new orders turning over six more of Mr. Nixon's subpoenaed Watergate conversations to Jaworski, including two June 23, 1972, discussions between the former President and Haldeman.

It was these tapes, released by Mr. Nixon last week under pressure from his special counsel, James D. St. Clair, that led to an erosion of anti-impeachment sentiment in Congress and, ultimately, the resignation.

The tape recordings, which showed that Mr. Nixon ordered a cover-up six days after the Watergate break-in, were released without a claim of executive privilege.

In all, 64 tape-recorded conversations were included in the historic U.S. Supreme

Court ruling against the former President.

The court ordered Sirica to listen to the tapes and make individual rulings on relevancy and privilege.

The White House lawyers subsequently said nine of the tapes never existed because recording equipment was not connected at the times the conversations occurred.

Jaworski's aides refused to discuss the matter of who is participating in the process of deciding whether to prosecute Mr. Nixon.

"He has the same rights as any other citizens, and we have the same responsibilities not to make disclosures at this stage," Barker said.

The decision, however, rests solely with Jaworski, who Thursday night stressed that no plea bargaining or prosecutorial discussions of any kind had been involved in Mr. Nixon's decision to relinquish the presidency.

Jaworski was out of town yesterday and could not be reached for comment.

Sirica meanwhile, set a hearing for Monday to hear motions by the Watergate cover-up defendants that their trial be postponed at least two months because of the publicity surrounding Mr. Nixon's resignation.

The motions, filed by attorneys for Mitchell and Ehrlichman, were expected to be supported by attorneys for the other defendants in the case.

On Monday, William J. Hundley, Mitchell's lawyer, argued that "with Nixon gone, the nightmare of Watergate is going to diminish and in the foreseeable future the climate is going to be more conducive to providing these defendants a fairer trial than they could receive on Sept. 9."

Haldeman previously had demanded a postponement and change of venue on the grounds of prejudicial pre-trial publicity, but Sirica had dismissed the request saying that an impartial panel could be selected from the thousands of prospective jurors in the District of Columbia.